

CHAPTER SIX

The Basic Amendments **to the Constitution**

The Constitutional Amendment Process

- The authority to amend the Constitution of the United States is derived from Article V of the Constitution.
- The Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate or by a constitutional convention called for by two-thirds of the State legislatures.
- None of the 27 amendments to the Constitution have been proposed by constitutional convention.
- The Congress proposes an amendment in the form of a joint resolution.
- Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval.

The Constitutional Amendment Process

- After Congress proposes an amendment, the Archivist of the United States, who heads the National Archives and Records Administration (NARA), is charged with responsibility for administering the ratification process
- The Archivist submits the proposed amendment to the States for their consideration by sending a letter of notification to each Governor along with the informational material prepared by the OFR. The Governors then formally submit the amendment to their State legislatures.
- When a State ratifies a proposed amendment, it sends the Archivist an original or certified copy of the State action, which is immediately conveyed to the Director of the Federal Register.
- A proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the States (38 of 50 States).

- **The First “Ten” Amendments: “Bill of Rights”**
- **The Main Amendments of the 19th Century**
- **The Post World War I Amendments**
- **Revising the Presidential Electoral Process**
- **The Presidential Succession**
- **More Contemporary Amendments**

The First "Ten" Amendments: "Bill of Rights"

Amendment 1

FREEDOM OF RELIGION, SPEECH, AND THE
PRESS; RIGHTS OF ASSEMBLY AND PETITION

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"

The First "Ten" Amendments: "Bill of Rights"

Amendment 2

RIGHT TO BEAR ARMS

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed"

Amendment 3

HOUSING OF SOLDIERS

"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner; nor in time of war, but in a manner to be prescribed by law"

The First "Ten" Amendments: "Bill of Rights"

Amendment 4

SEARCH AND ARREST WARRANTS

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized"

The First "Ten" Amendments: "Bill of Rights"

Amendment 5

RIGHTS IN CRIMINAL CASES

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation"

The First "Ten" Amendments: "Bill of Rights"

Amendment 6

RIGHTS TO A FAIR TRIAL

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense"

The First "Ten" Amendments: "Bill of Rights"

Amendment 7

RIGHTS IN CIVIL CASES

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law"

The First "Ten" Amendments: "Bill of Rights"

Amendment 8

BAILS, FINES, AND PUNISHMENTS

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"

Amendment 9

RIGHTS RETAINED BY THE PEOPLE

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"

Amendment 10

POWERS RETAINED BY THE STATES AND THE PEOPLE

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"

The Main Amendments of the 18 & 19th Centuries

- Amendment 11: *Law suits against states*, February 7, 1795.
- Amendment 12: *Election of the President and Vice President*, July 27, 1804.
- Amendment 13: *Abolition of slavery*, December 6, 1865.
- Amendment 14: *Civil Rights*, July 9, 1868.
- Amendment 15: *African American Suffrage*, February 3, 1870.
- Amendment 16: *Income Taxes*, February 3, 1913.
- Amendment 17: *Direct Election of Senators*, April 8, 1913.

The Post World War I Amendments

- Amendment 18: *Prohibition of Liquors*, January 16, 1919.
- Amendment 19: *Women's Suffrage*, August 18, 1920.
- Amendment 20: *Terms of the President and Congress*, January 23, 1933.
- Amendment 21: *Repeal of Prohibition*, December 5, 1933.

Revising the Presidential Electoral Process

Amendment 22

LIMITATION OF PRESIDENTS TO TWO TERMS

February 27, 1951

"No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term"

The Presidential Succession

Amendment 25

PRESIDENTIAL DISABILITY AND SUCCESSION

February 10, 1967

“In case of the removal of the President from office or of his death or resignation, the Vice President shall become President. . . Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress. . . Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President. . . . Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office”

More Contemporary Amendments

- Amendment 23: *Suffrage in the District of Columbia*, March 29, 1961
- Amendment 24: *Poll Taxes*, January 23, 1964
- Amendment 26: *Suffrage for 18-Year-Olds*, July 1, 1971
- Amendment 27: *Congressional Salaries*, May 7, 1992